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C. Remarks

1. Status of the Application

Claims 1-27 are pending in the application, of which claims 1, 8, and 22 are independent claims. The examiner has rejected all of the claims under 35 U.S.C. § 103(a) being unpatentable over United States Patent No. 6,047,259 ("Campbell") in view of United States Publication No. US 2002/0022975 A1 ("Blasingame"). Applicant traverses the rejections of claims 1-27 but nevertheless amends claims 8 and 22 to more clearly distinguish over the cited references. Accordingly, Applicant requests reconsideration and withdrawal of the foregoing rejections.

The examiner has objected to the drawings because Fig. 13 includes reference character 145, which is not mentioned in the drawings, and because reference character 144 has been used to designate in the specification both an electrocardiographic trace and a component wave.

Applicant hereby amends the specification to moot these objections.

2. Campbell Teaches Away From the Subject Matter of Claims 1-7.

Claim 1 recites:

A method for facilitating the evaluation, diagnosis and treatment of a patient suspected of having a medical disorder, comprising:

determining attributes of the patient and making a preliminary diagnosis based on the attributes that a patient has a particular medical disorder;

selecting a source of information about the particular medical disorder;

comparing the attributes of the patient to the information on the selected source of information;

indicating a portion of the information from the selected source that matches or does not match an attribute of the patient;

recording data identifying the patient; and

simultaneously displaying the selected information, matching indicia and patient data.

The method of claim 1, therefore, involves (a) making a preliminary diagnosis that a patient has a particular medical disorder based on attributes of the patient and (b) comparing such attributes to information relating to such medical disorder. Office Action at 3-4.

The examiner has rejected claim 1 on the ground that Campbell purportedly teaches all of the steps of claim 1 except the step of selecting a source of information about a particular medical disorder and recording data identifying the patient, that Blasingame purportedly teaches the foregoing subject matter not taught by Campbell, and that it purportedly would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Campbell and Blasingame to yield the invention set forth in claim 1. Among other things, the examiner contends that Campbell, at col. 7, ll. 35-41, teaches the step of "determining attributes of the patient and making a preliminary diagnosis based on the attributes that a patient has a particular medical disorder." Office Action at 3.

Applicant disagrees with the examiner's assessment of Campbell and the use of Campbell as a reference under 35 U.S.C. § 103(a). As an initial matter, Applicant submits that the cited portion of Campbell says nothing about "making a preliminary diagnosis based on the attributes that a patient has a particular medical disorder." Instead, it discusses an interface that prompts a user to make and enter observations during a physical examination of a patient. Most important, to the extent that Campbell speaks whatsoever to "making a preliminary diagnosis based on the attributes that a patient has a particular medical disorder," Campbell denigrates the practice and, therefore, teaches away from this feature of claim 1. Specifically, Campbell states:

Some software programs used to diagnose medical problems start with the physician making a tentative diagnosis, and then proceed to collect medical observations which support, or clarify the tentative diagnosis. This can lead to inaccurate conclusions since the medical exam is likely to be biased by the original diagnosis.

Campbell at col. 1, ll. 27-32. Because Campbell expressly teaches away from the step of “making a preliminary diagnosis based on the attributes that a patient has a particular medical disorder,” Campbell cannot be relied on, either alone or in combination with any other reference, to support a rejection of claim 1 under 35 U.S.C. § 103(a).

In view of the above, Applicant submits that claim 1 is allowable over the cited references and that claims 2-7, which depend from claim 1, are allowable as well. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of these claims.

3. Campbell Teaches Away From the Subject Matter of Claims 8-21.

The examiner has rejected claim 8 as being unpatentable over Campbell in view of Blasingame. Applicant traverses this basis for rejection but nevertheless amends Claim 8 to further distinguish over these references. Claim 8, as amended, recites:

A method for managing patient medical information using a computer system having data storage means and a graphical user interface including a display, data input means, and a selection device, the method comprising:

retaining in the storage means a database of information related to medical conditions;

making a preliminary diagnosis that a patient is afflicted with a particular one of said medical conditions;

using the selection device to retrieve from the database information relating to [[a]] said particular one of said medical condition;

using the data input means to enter patient data into the storage means; and

simultaneously displaying the retrieved information and the patient data on the display.

Because amended claim 8 expressly recites a method comprising the step of making a preliminary diagnosis that a patient is afflicted with a particular medical condition, Applicant submits that claim 8 is distinguishable over Campbell for at least the reasons set forth above in connection with claim 1.

In view of the above, Applicant submits that claim 8 is allowable over the cited references and that claims 9-21, which depend from claim 8, are allowable as well. Accordingly, Applicant requests reconsideration and withdrawal of the rejections of these claims.

4. Campbell Teaches Away From the Subject Matter of Claims 22-27.

The examiner has rejected claim 22 as being unpatentable over Campbell in view of Blasingame. Applicant traverses this basis for rejection but nevertheless amends Claim 22 to further distinguish over these references. Claim 22, as amended, recites:

A device for use in connection with providing health care to a patient having been preliminarily diagnosed as being afflicted with a medical disorder, comprising:

a source of information on signs or symptoms associated with [[a]] the medical disorder identified by the preliminary diagnosis, wherein a user can select a sign or symptom relevant to the patient and to the medical disorder identified by the preliminary diagnosis and the device maintains a record of the selection;

a source of information on tests used to determine the presence or severity of the medical disorder, wherein a user can select one of the tests relevant to the patient and the device maintains a record of the selection;

a source of information on treatments for the medical disorder, wherein a user can select a treatment relevant to the patient and the device maintains a record of the selection; and

at least one field associated with said sources of information for entry of patient data.

Applicant submits that Campbell does not teach or suggest a device that provides information on signs or symptoms relating to a medical disorder with which a patient has been preliminarily diagnosed as being afflicted, wherein a user can select a sign or symptom relevant to the patient and to the medical disorder identified by the preliminary diagnosis and the device maintains a record of the selection. Indeed, as suggested above in connection with the discussion of claim 1, Campbell teaches away from such a device at least based on its denigration of the practice of making a tentative diagnosis and collecting medical observations which support or clarify the tentative diagnosis. As such, Applicant submits that claim 22 is distinguishable over Campbell.

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In view of the above, Applicant submits that claim 22 is allowable over the cited references and that claims 23-27, which depend from claim 22, are allowable as well. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of these claims.

5. Applicant's Amendments to the Specification Moot the Objections to the Drawings.

Applicant hereby amends Paragraph [0079] of the specification to correct a typographical error. As amended, Paragraph [0079] reflects that reference character 144 refers to an electrocardiograph trace and reference character 145 refers to a component wave, both as illustrated in Fig. 13. Applicant submits that no new matter has been added.

6. Conclusion

Applicant submits that the application is in condition for allowance and requests reconsideration and withdrawal of the pending rejections and objections.

Respectfully submitted,



Mark P. Vrla
Registration No. 43,973

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JENNER & BLOCK LLP
330 North Wabash
Chicago, IL 60611
Telephone No: (312) 222-9350
Facsimile No: (312) 527-0484